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ON PETITION

In re Application of :
Xavier Briand, et al. :
Application No. 10/594,692 :
Filed: May 31, 2007 :
Attorney Docket No. 20010.0007USWO :

This is a decision on the petition, filed July 1, 2008, requesting withdrawal of the holding of abandonment in the above-identified application under 37 CFR 1.181.

The petition is **GRANTED**.

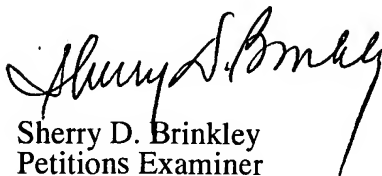
The application was held abandoned for failure to reply to the non-final Office action mailed November 20, 2007, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 27, 2008. In response, on July 1, 2008, the present petition was filed wherein petitioner asserts that a reply was timely filed. To support this assertion, petitioner submitted a copy of a Auto Reply Facsimile Transmission which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on May 20, 2008 of "Amendment and Response (7 pages); Petition for Extension of Time (1 page). A copy of the previously submitted reply accompanies the petition.

A review of the written record confirms that a timely response was filed, as it is present in the application file. Accordingly, the holding of abandonment for failure to timely file a response to the Office communication of November 20, 2007 is withdrawn and the application is restored to pending status.

The Notice of Abandonment mailed June 27, 2008 is hereby vacated.

This application is being referred to Technology Center AU 2621 for appropriate action in the normal course of business on the reply received May 20, 2008.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions